

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401**

MANDATORY PENALTY ORDER NO. R3-2006-0083

**IN THE MATTER OF
CITY OF PASO ROBLES
SAN LUIS OBISPO COUNTY**

This Order to assess mandatory penalties pursuant to California Water Code Section 13385 is issued to the City of Paso Robles (hereafter Discharger), based on effluent violations of Waste Discharge Requirements Order No. R3-2004-0031, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0047953, and a late report violation of Waste Discharge Requirements Order No. 01-119, NPDES Permit No. CAG993001.

The Central Coast Regional Water Quality Control Board (hereafter Water Board) finds that:

1. The Executive Officer issued Mandatory Penalty Complaint No. R3-2006-52 to the Discharger on May 30, 2006, for several effluent violations of Order No. R3-2004-031 at the Discharger's wastewater treatment plant that occurred in the period from July 1, 2004, through February 28, 2006. Complaint No. R3-2006-52 proposed that the Discharger be assessed mandatory penalties in the amount of \$33,000, and provided that the Discharger may direct up to \$24,000 of the mandatory penalties to a Supplemental Environmental Project (SEP).
2. In a July 3, 2006 letter, the Discharger proposed directing \$24,000 of the mandatory penalty to an SEP to produce the *Salinas River Corridor Master Plan*. According to the proposal,

"The River Corridor Master Plan will be both illustrative and narrative, containing key policies to guide future preservation and development of the river; and containing implementation steps essential to improving the health of the river corridor over time, including conservation and water quality steps. The Master Plan is intended to serve as a foundation for a more detailed set of projects and/or River Management plans in the future."

The Discharger estimates the project will cost \$29,000 and will be completed in the first quarter of 2007.

3. The Salinas River Corridor Master Plan qualifies as an SEP in accordance with the State Water Resources Control Board's Water Quality Enforcement Policy,

Resolution No. 2002-0040. The SEP should benefit water quality, provide a benefit to the public at large, and is not otherwise required of the Discharger. The SEP will not directly benefit Water Board functions or staff.

4. The Water Board Executive Officer issued Mandatory Penalty Complaint No. R3-2006-0064 to the Discharger on July 12, 2006, for a late report violation of Waste Discharge Requirements Order No. 01-119, NPDES Permit No. CAG993001, by the Discharger's Water Division. The Complaint proposed that the Discharger be assessed a mandatory penalty in the amount of \$3,000, and provided that the Discharger may direct the entire penalty to an SEP.
5. By letter dated July 19, 2006, the Discharger proposed directing all \$3,000 of the Water Division mandatory penalty to the Salinas River Corridor Master Plan SEP.
6. On July 31, 2006, staff notified the Discharger of its intent to recommend that a combined total of \$27,000 be directed to the Salinas River Corridor Master Plan SEP, and the remainder of the mandatory penalties (\$9,000) be directed to the State Cleanup and Abatement Account. The Discharger agreed not to contest this recommendation and waived its right to a hearing for both MMP Complaint Nos. R3-2006-0052 and -0064 on July 28, 2006.
7. This enforcement action is taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with California Code of Regulations, Title 14, Sections 15307 and 15308.

IT IS HEREBY ORDERED, pursuant to California Water Code Section 13385, the City of Paso Robles is assessed a total mandatory penalty of **\$36,000**.

The Discharger shall submit written proof of payment or city council appropriation of at least **\$27,000** to fund the Salinas River Corridor Master Plan to the *Regional Water Quality Control Board, Attn: Matt Thompson, 895 Aerovista Place, Suite 101, San Luis Obispo, California, 93401*, no later than **October 31, 2006**. Written proof shall consist of a written receipt or city council resolution that appropriates funding for the plan, signed by authorized persons, indicating the payment is to be expended entirely on the SEP.

If proof of payment to each SEP is not submitted by **October 31, 2006**, the suspended liability for that particular SEP shall be immediately due and payable to State Water Resources Control Board.

The Salinas River Corridor Master Plan should incorporate water quality protection goals and strategies contained in the Upper Salinas-Las Tablas Resource Conservation District's *Upper Salinas River Watershed Action Plan*. The Salinas River Corridor Master Plan should also identify sensitive privately-owned areas and develop strategies to protect and improve those areas' environmental condition.

The Discharger shall submit an electronic and hard copy of the final Salinas River Corridor Master Plan by **April 30, 2007**. The Discharger shall also submit a post-project accounting of expenditures by **April 30, 2007**. If the final total cost of the project is less than \$27,000, the Discharger shall remit the difference to State Water Resources Control Board, **no later than April 30, 2007**.

The Discharger shall also submit a check payable to State Water Resources Control Board in the amount of **\$9,000** to *SWRCB Accounting, Attn: Enforcement, P.O. Box 100, Sacramento, California 95812-0100* by **October 7, 2006**. A copy of the check shall also be submitted to *Regional Water Quality Control Board, Attn: Matt Thompson, 895 Aerovista Place, Suite 101, San Luis Obispo, California 93401* by **October 7, 2006**.

Upon request of the Discharger, the Executive Officer or the Central Coast Water Board may extend any of these due dates for good cause. The Central Coast Water Board hereby reserves jurisdiction to modify this Order to extend due dates.

Any person affected by this action of the Regional Board may petition the State Water Resources Control Board to review the action in accordance with California Water Code Section 13320, and Title 23, California code of Regulations, Section 2050. The State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812, must receive the petition by **October 7, 2006**. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Roger W. Briggs, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the Central Coast Water Board on September 8, 2006.

Roger W. Briggs, Executive Officer